

NATURAL RESOURCES DEPARTMENT[561]

Adopted and Filed

Pursuant to the authority of Iowa Code section 558.69 as amended by 2010 Iowa Acts, House File 2437, the Department of Natural Resources hereby amends Chapter 9, "Groundwater Hazard Documentation," Iowa Administrative Code.

The amendment adopts by reference a revised Form 542-0960, "Groundwater Hazard Statement," to incorporate changes to the private sewage disposal requirements contained in Iowa Code Supplement section 455B.172(11) as amended by 2010 Iowa Acts, House File 2437, and the groundwater hazard statement requirements contained in Iowa Code section 558.69. These changes were enacted by the Iowa Legislature in 2010 Iowa Acts, House File 2437.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 2, 2010, as **ARC 8776B**. A public hearing was held on Thursday, June 24, 2010, and public comments were received through that date. Based upon public comments, the language of Form 542-0960 was revised to more closely match the language of Iowa Code Supplement section 455B.172(11) as amended by 2010 Iowa Acts, House File 2437, and to clearly express that buildings that do not have any legal sewage disposal system are subject to inspection.

This amendment is intended to implement Iowa Code section 558.69 as amended by 2010 Iowa Acts, House File 2437, section 6.

This amendment will become effective on September 1, 2010.

The following amendment is adopted.

Amend subrule 9.2(1) as follows:

9.2(1) The transferor or the transferor's agent or attorney shall sign department Form 542-0960, "Groundwater Hazard Statement," which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good faith inquiry of the transferor has been made regarding the information contained in the form and that the information is correct. The department hereby adopts by reference Form 542-0960, "Groundwater Hazard Statement," as amended through ~~June 26, 2009~~ September 1, 2010. For all real estate transactions dated July 1, 2009, or later, a county recorder shall accept only the ~~amended and revised currently adopted~~ amended and revised form, ~~as adopted by reference on April 1, 2009. Beginning September 1, 2009, a county recorder shall accept only the amended and revised form as amended through June 26, 2009, as adopted by reference. From July 1, 2009, through August 31, 2009, either of the above-referenced forms may be used.~~ The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.

[Filed 7/7/10, effective 9/1/10]

[Published 7/28/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/28/10.